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ORDINANCE NO. 3547

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 16.20 RELATING TO THE RS-SINGLE-FAMILY RESIDENTIAL ZONE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City has amended its Comprehensive Plan to adopt urban densities in conformance with the Growth Management Act and the current direction of the Growth Management Hearings Board; and

WHEREAS, the City Council has reservations regarding the impact of such densities in light of the current pattern of development of the City and other environmental, transportation and funding issues; and

WHEREAS, however, the City Council wishes to adopt measures in conformance with the only direction currently given by the Growth Management Act, reserving to itself the right to amend these provisions based upon the later direction of the Growth Management Hearings Board and/or the courts of the State of Washington as they interpret the Growth Management Act; and

WHEREAS, the City Council has received the favorable recommendation of its Planning Board regarding adoption of the proposed changes; and

WHEREAS, the City Council has amended such recommendations following public hearing in only one respect, to delete references to use of RS-6 zone densities and site development standards as a part of the master planning process, believing that the RS-8 zone

densities provide a reasonable transition from adjacent zones to the SR 104 corridor and believing that lower densities or optional densities can be both confusing and counter productive to the Comprehensive Plan goals; and

WHEREAS, the City Council finds that the enactment of an RS-10 and master plan zones are consistent with its Comprehensive Plan and required for consistency with the Growth Management Act, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code is hereby amended by the repeal and reenactment of Chapter 16.20 RS-Single-Family Residential to read as follows:

Chapter 16.20
RS – SINGLE-FAMILY RESIDENTIAL

Sections:

16.20.000	Purposes.
16.20.010	Uses.
16.20.020	Subdistricts.
16.20.030	Table of site development standards.
16.20.040	Site development exceptions.
16.20.050	Site development standards – Accessory buildings.

16.20.000 Purposes.

The RS zone has the following specific purposes in addition to the general purposes for residential zones of ECDC 16.00.010 and 16.10.000:

- A. To reserve and regulate areas primarily for family living in single-family dwellings;
- B. To provide for additional non-residential uses which complement and are compatible with single-family dwelling use.

16.20.010 Uses.

A. Permitted Primary Uses.

1. Single-family dwelling units;
2. Churches, subject to the requirements of ECDC 17.100.020;
3. Primary schools subject to the requirements of ECDC 17.100.050(G) through (R);
4. Local public facilities that are planned, designated, and sited in the capital improvement plan, subject to the requirements of ECDC 17.100.050;
5. Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070.

B. Permitted Secondary Uses.

1. Foster homes;
2. Home occupation, subject to the requirements of Chapter 20.20 ECDC;
3. The renting of rooms without separate kitchens to one or more persons;
4. The keeping of three or fewer domestic animals;
5. The keeping of horses, subject to the requirements of Chapter 5.05 ECC;
6. The following accessory buildings:
 - a. Fallout shelters,
 - b. Private greenhouses covering no more than five percent of the site,
 - c. Private stables,
 - d. Private parking for no more than five cars,
 - e. Private swimming pools and other private recreational facilities;

7. Private residential docks or piers;
8. Family day-care in a residential home;
9. Commuter parking lots that contain less than 10 designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone. Any additionally designated parking spaces that increase the total number of spaces in a commuter parking lot to 10 or more shall subject the entire commuter parking lot to a conditional use permit as specified in subsection (D)(5) of this section, including commuter parking lots that are located upon more than one lot as specified in ECDC 21.15.075.

C. Primary Uses Requiring a Conditional Use Permit.

1. High schools, subject to the requirements of ECDC 17.100.050(G) through (R);
2. Local public facilities that are not planned, designated, and sited in the capital improvement plan, subject to ECDC 17.100.050;
3. Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070.

D. Secondary Uses Requiring a Conditional Use Permit.

1. Preschools;
2. Guest house;
3. Amateur radio transmitting antennas;
4. Accessory dwelling units; and
5. Commuter parking lots with 10 or more designated parking spaces in conjunction with a church, school, or local public facility allowed or conditionally permitted in this zone.

16.20.020 Subdistricts.

There are established seven subdistricts of the RS zone in order to provide site development standards for areas which differ in topography, location, existing development and other factors. These subdistricts shall be known as the RS-6 zone, the RS-8 zone, the RS-10 zone, the RS-12 zone, the RSW-12 zone, the RS-20 zone, and the RS-MP zone.

16.20.030 Table of site development standards.

Sub District	Minimum Lot Area (Sq. Ft.)	Maximum Density ¹	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height	Maximum Coverage (%)	Minimum Parking Spaces ²
RS-20	20,000	2.2	100'	25'	35' ³ & 10'	25'	25'	35%	2
RS-12	12,000	3.7	80'	25'	10'	25'	25'	35%	2
RSW-12 ⁴	12,000	3.7	—	15'	10'	35'	25'	35%	2
RS-10	10,000	4.4	75'	25'	10'	20'	25'	35%	2
RS-8	8,000	5.5	70'	25'	7-1/2'	15'	25'	35%	2
RS-6	6,000	7.3	60'	20'	5'	15'	25'	35%	2
RS-MP ⁵	12,000 ⁵	3.7 ⁵	80' ⁵	25' ⁵	10' ⁵	25' ⁵	25'	35%	2

1. Density means “dwelling units per acre” determined by dividing the total lot area by the density allowed by the underlying zoning; the number of lots or units permitted shall be rounded down to the nearest whole number.

2. See Chapter 17.50 ECDC for specific parking requirements.

3. Thirty-five feet total of both sides, 10 feet minimum on either side.

4. Lots must have frontage on the ordinary high-water line and a public street or access easement approved by the hearing examiner.

5. ”MP” signifies “Master Plan.” The standards in Table 16.20.030 show the standards applicable to development without an approved master plan. Properties in this zone may be developed at a higher urban density lot pattern equivalent to RS-8 but this shall only be permitted in accordance with a duly adopted master plan adopted under the provisions of Section 16.20.045 ECDC.

16.20.040 Site development exceptions.

A. Average Front Setback. If a block has residential buildings on more than one-half of the lots on the same side of the block, the owner of a lot on that block may use the average of all the setbacks of the existing residential buildings on the same side of the street as the minimum required front setback for the lot. Detached structures such as garages; carports; and uncovered porches, decks, steps and patios less than 30 inches in height, and other uncovered

structures less than 30 inches in height shall not be included in the “average front setback” determination.

An applicant for such a determination shall provide a drawing which locates the street property line for the entire block, as well as the existing street setbacks of all buildings required to be used for the purpose of calculating the “average front setback.” The drawing shall be prepared and stamped by a land surveyor registered in the state of Washington.

B. Eaves and Chimneys. Eaves and chimneys may project into a required setback not more than 30 inches.

C. Porches and Decks. Uncovered and unenclosed porches, steps, patios, and decks may project into a required setback not more than one-third of the required setback, or four feet, whichever is less; provided that they are no more than 30 inches above ground level at any point.

D. Setback Adjustments. Chapter 20.50 ECDC contains a procedure for adjusting distances and locations in special situations.

E. Corner Lots. Corner lots have no rear setback; all setbacks other than the street setbacks shall be side setbacks.

F. Docks, Piers, Floats.

1. Height. The height of a residential dock or pier shall not exceed five feet above the ordinary high water mark. The height of attendant pilings shall not exceed five feet above the ordinary high water mark or that height necessary to provide for temporary emergency protection of floating docks.

2. Length. The length of any residential dock or pier shall not exceed the lesser of 35 feet or the average length of existing decks or piers within 300 feet of the subject dock or pier.

3. Width. The width of any residential dock or pier shall not exceed 25 percent of the lot width when measured parallel to the shoreline.

4. Setbacks. All residential docks or piers shall observe a minimum 10-foot side yard setback from a property line or a storm drainage outfall. Joint use docks or piers may be located on the side property line; provided that the abutting waterfront property owners shall file a joint use maintenance agreement with the Snohomish County auditor in conjunction with, and as a condition

of, the issuance of a building permit. Joint use docks or piers shall observe all other regulations of this subsection.

5. Number. No lot shall have more than one dock or pier or portion thereof located on the lot.

6. Size. No residential dock or pier shall exceed 400 square feet.

7. Floats. Offshore recreational floats are prohibited.

8. Covered Buildings. No covered building shall be allowed on any residential dock or pier.

16.20.045 Site development standards – Single Family Master Plan.

A. General. The “Single Family – Master Plan” zone is intended to apply to the area lying along the south side of SR-104 north of 228th Street SW, where there are development constraints related to access and traffic on SR-104. Development in this zone may be approved at RS-12 standards without an approved master plan. An approved master plan is required before any development can occur at RS-8 densities.

B. Criteria for approving a Master Plan. Properties seeking to develop at RS-8 or RS-6 densities shall be developed according to a master plan (such as through a PRD) that clearly demonstrates the following:

1. That access and lot configurations shall not result in additional curb cuts or unmitigated traffic impacts on SR-104; at a minimum, a traffic study prepared by a traffic engineer approved by the City shall clearly demonstrate this requirement.

2. That the configuration and arrangement of lots within the master plan area provide for setbacks on the perimeter of the proposed development that are compatible with the zoning standards applied to adjoining developed properties. For example, a master plan adjoining developed lots in an RS-MP zone that were developed under RS-12 standards shall have RS-12 setbacks along common property lines, although the lot sizes, widths, and other bulk standards may conform to the higher density lot configuration approved through the master plan.

16.20.050 Site development standards – Accessory buildings.

A. General. Accessory buildings and structures shall meet all of the standards of ECDC 16.20.030 except as specifically provided in this section.

B. Height. Height shall be limited to 15 feet, except for amateur radio transmitting antennas and their supporting structures.

C. Rear Setbacks. The normally required rear setback may be reduced to a minimum of five feet for accessory buildings covering less than 600 square feet of the site.

D. Satellite Television Antenna. A satellite television antenna which measures greater than one meter or 1.1 yards in diameter shall comply with the following regulations:

1. General. Satellite television antennas must be installed and maintained in compliance with the Uniform Building and Electrical Codes as the same exist or are hereafter amended. A building permit shall be required in order to install any such device.

2. Setbacks. In all zones subject to the provisions contained herein, a satellite television antenna shall be located only in the rear yard of any lot. In the event that no usable satellite signal can be obtained in the rear lot location or in the event that no rear lot exists as in the case of a corner lot, satellite television antennas shall then be located in the side yard. In the event that a usable satellite signal cannot be obtained in either the rear or side yard, then a roof-mounted location may be approved by the staff; provided, however, that any roof-mounted satellite antenna shall be in a color calculated to blend in with existing roof materials and, in the case of a parabolic, spherical or dish antenna shall not exceed nine feet in diameter unless otherwise provided for by this section. In no event shall any roof-mounted satellite television antenna exceed the maximum height limitations established by this section.

3. Aesthetic. Satellite television antennas shall be finished in a nongarish, nonreflective color and surface which shall blend into its surroundings. In the case of a parabolic, spherical or dish antenna, said antenna shall be of a mesh construction. No commercial advertising of any kind shall be displayed on the satellite television antenna.

4. Size and Height. Maximum size for a ground-mounted parabolic, spherical or dish antenna shall be 12 feet in diameter. No ground-mounted antenna shall be greater than 15 feet in height unless otherwise approved for waiver as herein provided. The height of roof-mounted satellite television antennas shall not exceed the lesser of the height of the antenna when mounted on a standard base provided by the manufacturer or installer for ordinary operation of the antenna or the height limitation provided by the zoning code.

5. Number. Only one satellite television antenna shall be permitted on any residential lot or parcel of land. In no case shall a satellite television antenna be permitted to be placed on wheels or attached to a portable device for the purpose of relocating the entire antenna on the property in order to circumvent the intentions of this section.

E. Amateur Radio Antennas.

1. The following applications for the following approvals shall be processed in accordance with ECDC 20.95.050, Staff decision – Notice required:

a. Requests to utilize an amateur radio antenna dish which measures greater than one meter or 1.1 yards in diameter;

b. Requests to utilize an antenna which:

i. Would be greater than 12 feet in height above the principal building on a site. The height of the antenna shall be determined by reference to the highest point of the roof of the principal building, exclusive of the chimney or other roof-mounted equipment. The request to locate a 12-foot antenna on a building is limited to buildings whose height conforms to the highest limit of the zone in which the building is located.

ii. Would exceed the height limit of the zone when mounted on the ground or on any accessory structure (see subsection (E)(2)(d) of this section).

2. The application shall comply with the following regulations:

a. Definition. “Amateur radio antenna” means an antenna, or any combination of a mast or tower plus an attached or mounted antenna, which transmits noncommercial communication signals and is utilized by an operator licensed by the Federal Communications Commission. Guy wires for amateur radio

antennas are considered part of the structure for the purpose of meeting development standards.

b. General. Amateur radio antennas must be installed and maintained in compliance with the Uniform Building and Electrical Codes, as the same exist or are hereafter amended. A building permit shall be required to install an amateur radio antenna.

c. Location. Amateur radio antennas may be ground- or roof-mounted, however, these devices shall:

i. Be located and constructed in such a manner as to reasonably ensure that, in its fully extended position, it will not fall in or onto adjoining properties;

ii. Not be located within any required setback area; and

iii. Be retracted in inclement weather posing a hazard to the antenna.

d. Height. The height of a ground-mounted tower or roof-top antenna may not exceed the greater of the height limit applicable to the zone or 65 feet when extended by a telescoping or crank-up mechanism unless an applicant obtains a waiver (see subsection (F) of this section).

i. Only telescoping towers may exceed the height limits established by subsection (E)(1)(b) of this section. Such towers shall comply with the height limit within the applicable zone and may only exceed the height limit of the applicable zone and/or 65-foot height limit when extended and operating and if a waiver has been granted.

ii. An antenna located on a nonconforming building or structure which exceeds the height limit of the zone in which it is located shall be limited to height limit of the zone plus 12 feet.

e. Aesthetic. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.

F. Technological Impracticability – Request for Waiver.

1. The owner, licensee or adjacent property owner may apply for a waiver if:

a. Strict application of the provisions of this zoning code would make it impossible for the owner of a satellite television antenna to receive a usable satellite television antenna to receive a usable satellite signal;

b. Strict application of the provisions of this zoning code would make it impossible for the holder of any amateur radio license to enjoy the full benefits of an FCC license or FCC protected right; or

c. An adjacent property owner or holder of an FCC license or right believes that alternatives exist which are less burdensome to adjacent property owners.

2. The request for waiver shall be reviewed by the hearing examiner and may be granted upon a finding that one of the following sets of criteria have been met.

a. Technological Impracticability.

i. Actual compliance with the existing provisions of the city's zoning ordinance would prevent the satellite television antenna from receiving a usable satellite signal or prevent an individual from exercising the rights granted to him or her by the Federal Communication Commission (FCC) by license, law or FCC regulation; or

ii. The alternatives proposed by the property owner or licensee constitute the minimum necessary to permit acquisition of a usable satellite signal by a satellite television antenna or to exercise the rights granted pursuant to a valid FCC license, law or FCC regulation.

b. Less Burdensome Alternatives. The hearing examiner is also authorized to consider the application of adjacent property owners for a waiver consistent with the provisions of subsection (F)(1)(c) of this section without the requirement of a finding that a usable satellite signal cannot be acquired when the applicant or adjacent property owner(s) establish that the alternatives proposed by the applicant are less burdensome to the adjacent property owners than the requirements which would otherwise be imposed under this section. For example, adjacent property owners may request alternative or additional screening or the relocation of the antenna on the licensee's property. In the interactive process described in subsection (F)(3) of this section, the hearing examiner shall attempt to balance the impact of the tower on the views of adjacent properties, as well as the impacts of alternative screening

and relocation in order to equitably distribute any negative impacts among the neighbors while imposing reasonable conditions on the antenna, its location and screening that do not impair the rights granted by the FCC to the licensee.

3. The process shall be an interactive one in which the hearing examiner works with the licensee to craft conditions which place the minimum possible burden on adjacent property owners while permitting the owner of the satellite antenna or holder of an amateur radio license to fully exercise the rights which he or she has been granted by federal law. For example, the number of antennas and size of the array shall be no greater than that necessary to enjoy full use of the FCC license. Conditions may include but are not limited to requirements for screening and landscaping, review of the color, reflectivity and mass of the proposed satellite television antenna or amateur radio facilities, and other reasonable restrictions. Any restriction shall be consistent with the intent of the city council that a waiver to the antenna owner be granted only when necessary to permit the satellite television antenna to acquire usable satellite signal or to allow the licensee to exercise the rights granted by Federal Communication Commission license after consideration of aesthetic harmony of the community. The process employed should involve the interaction of the licensee or owner and the neighborhood. Certain issues have been pre-empted by federal law and shall not be considered by the hearing examiner. Such issues include, but are not limited to, the impacts of electromagnetic radiation, the potential interference of the amateur radio facility with electronic devices in the neighborhood and any other matter pre-empted by federal law or regulation. Impact on view and on the values of neighboring properties may be considered in imposing reasonable conditions but shall not be a basis for denial of a permit to construct the antenna.

4. The application fee and notification for consideration of the waiver by an owner of a satellite television antenna shall be the same as that provided for processing a variance. No fee shall be charged to the holder of a valid FCC amateur radio license.

5. In the event that an applicant for waiver is also obligated to undergo architectural design review, the architectural design board shall defer any issues relating to the antenna and/or other amateur radio equipment to the hearing examiner. The hearing examiner may, at his or her discretion, request the architectural design board review and comment regarding required screening and landscaping and its integration into sight and landscaping plans. No additional fee shall be required of the applicant upon such referral.

G. The provisions of subsections (D), (E) and (F) of this section shall be interpreted in accordance with the regulations of the Federal Communications Commission including but not limited to PRB-1. In the event of ambiguity or conflict with any of the apparent provisions of this section, the provisions of federal regulations shall control.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	04/22/2005
PASSED BY THE CITY COUNCIL:	04/26/2005
PUBLISHED:	05/01/2005
EFFECTIVE DATE:	05/06/2005
ORDINANCE NO. 3547	

SUMMARY OF ORDINANCE NO. 3547

of the City of Edmonds, Washington

On the 26th day of April, 2005, the City Council of the City of Edmonds, passed Ordinance No. 3547. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 16.20 RELATING TO THE RS-SINGLE-FAMILY RESIDENTIAL ZONE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 27th day of April, 2005.

CITY CLERK, SANDRA S. CHASE